

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-29 and 33-34 are pending in this application. Claims 1-14, 16, 23 and 29 are amended, and Claims 30-32 are canceled without prejudice or disclaimer. Support for the changes to the claims is found in at least the originally filed disclosure, including the specification at least at paragraph (0015) and in the drawings at least in Fig. 3. No new matter is added.

In the outstanding Office Action, the specification and Claims 1, 4, 7, 8 and 23 were objected to; Claims 1-34 were rejected under 35 U.S.C. §112, second paragraph; Claims 3, 6, 8, 11 and 13 were further rejected under 35 U.S.C. §112, second paragraph; and Claims 1-34 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. 2001/0035713 (Kimura).

Initially, regarding the objections to the specification and the claims, the same are amended herewith in light of the requirements made in items 4-9 of the Office Action. Accordingly, it is respectfully submitted the objections should be withdrawn.

As to the first rejection under 35 U.S.C. §112, second paragraph, in item 11 of the Office Action, the claims are amended throughout to provide proper antecedent basis for the claimed features. Further, it is unclear how the phrase “comprising at least” in the transitional phrases renders the claims indefinite as alleged in the Office Action. However, for clarity and to advance prosecution, this phrase is replaced with the open-ended transitional phrase “comprising.” Regarding the second rejection under 35 U.S.C. §112, second paragraph, in item 12 of the Office Action, the “in that order” phrase has been replaced with different language for clarity. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §112, second paragraph, are respectfully requested.

As to the rejection under 35 U.S.C. §102(b), the independent claims are amended to recite, *inter alia*, “the mode conversion means includes an unevenness which has a period to prohibit a propagation of light in a waveguide mode.” It is respectfully submitted Kimura fails to disclose or reasonably suggest such a mode conversion means.

Kimura shows a light scattering body 108. “With forming the light scattering body 108, it is possible to prevent an incident angle from the light scattering body 108 to the air 109 from exceeding the critical angle, and it is possible to prevent light from being totally reflected being confined in the light scattering body.” (Kimura, paragraph [0026]).

The scattering body 108 is used to prevent an incident angle from the light scattering body 108 to the air 109 from exceeding the critical angle. If the incident angle is larger than the critical angle, then the light transmitted in the EL element is totally reflected from the surface between the EL element and the air. As such, Kimura utilizes geometric optics.

On the other hand, the claims require a mode conversion means which includes an unevenness ***which has a period to prohibit a propagation of light in a waveguide mode.*** Light waves are converted from a waveguide mode to a radiation mode when an unevenness has a specific period. As a result, converted light is radiated from the light-emitting device and there is no need for scattering body to prevent an incident angle from exceeding the critical angle. The claimed periodicity utilizes wave optics. Kimura is silent regarding such periodicity.

Therefore, it is respectfully submitted the claims, although varying in scope, are allowable over Kimura and the rejection under 35 U.S.C. §102(b) should be withdrawn.

Consequently, in view of the present amendment and in light of the above comments, the pending claims are believed to be in condition for allowance. Should the examiner disagree, the examiner is encouraged to contact the undersigned to discuss any remaining issues. Otherwise, an early Notice of Allowance is respectfully requested.

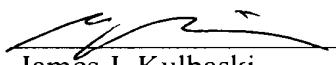
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 07/09)



James J. Kulbaski
Attorney of Record
Registration No. 34,648

Marc A. Robinson
Registration No. 59,276